

REMARKS

Claims 1-22 are pending in the present application. Claims 1-10 and 12-22 are on appeal. Reconsideration of the Appeal Brief is respectfully requested.

Applicants thank the Examiner for the courtesies extended in the interview on July 9, 2004. Applicants noted that the Appeal Brief filed March 29, 2004, is compliant, because the Appeal Brief does indeed contain a correct copy of the appealed claims as an appendix thereto, as required by 37 CFR 1.192(d)(8). After consulting with a Primary Examiner, the Examiner agreed that the copy of the appealed claims is correct and complete without the inclusion of claim 11.

However, the Examiner insisted that the statement of the status of the claims is incorrect or incomplete, because the brief does not separately list claims that are under objection. Applicants maintain that the statement of the status of the claims is correct and complete, because the statement lists all claims, pending or canceled, and identifies the appealed claims, as required by 37 CFR 1.192(c)(3). There is no requirement that claims under objection must be separately listed. At the very least, failure to list the claims under objection but not involved in the appeal is not grounds for holding the brief in non-compliance. However, to fully respond to the Notice of Non-Compliance, a Supplemental Appeal Brief is filed herewith to be in full compliance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: July 12, 2004

Respectfully submitted,



Stephen R. Tkacs
Reg. No. 46,430
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 367-2001
Agent for Applicants